

Kansas Corporation Commission
Commission Meeting
June 21, 2016
10:00 a.m. 1st floor hearing room
KCC Offices, 1500 SW Arrowhead, Topeka, Kansas

MINUTES

The Commission convened the regularly scheduled open meeting of the Commission at 10:00 a.m. on June 21, 2016 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 SW Arrowhead, Topeka, Kansas.

Present: Chairman Emler, Commissioner Albrecht and Commissioner Apple. The following were considered by the Commission:

1. **Consent Agenda:** Commissioner Apple moved for approval of the Consent Agenda: All other listed matters as presented for June 21, 2016, 2016 on the 7 page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Albrecht seconded the motion. Motion was approved.

2. **Noticed:**

- A. **Docket No. 14-WSEE-148-TAR, *In the Matter of the Application of Westar Energy, Inc. and Kansas Gas and Electric Company for Approval of Revisions to Their General Terms and Conditions to Implement an Optional Prepay Service Pilot Program.***

Commissioner Apple asked for clarification language to be added to the order. The revised Order will be considered Thursday, June 23, 2016 at the Commission Meeting.

- B. **Docket No. 16-KCPE-325-TAR, *In the Matter of the Application of Kansas City Power & Light Company for Approval of Residential All-Electric Rider Tariff.***

Commissioner Apple moved for approval of order #16-2088 - *Order Staying Proceedings*. Commissioner Albrecht seconded the motion. Motion was approved. Commissioner Albrecht voted No.

- C. **Docket No. 16-WHLE-305-RTS, *In the Matter of the Application of Wheatland Electric Cooperative, Inc. for Approval to Make Certain Changes in Charges for Electric Service.***

Commissioner Albrecht moved for approval of order #16-2087 - *Order Denying Wheatland's Motion to Compel Discovery to KMEA*. Commissioner Apple seconded the motion. Motion was approved.

- D. **Docket No. 16-GIME-576-GIE, *In the Matter of the General Investigation of Kansas City Power and Light Company's All-Electric Residential Rates.***

Commissioner Apple moved for approval of order #16-2091 - *Order Opening General Investigation*. Commissioner Albrecht seconded the motion. Motion was approved. Commissioner Albrecht voted No.

3. **Discussion: Howison Heights, Inc.**

Presenter: DUSTIN KIRK
Time Requested: 10 minutes

No action was taken on this matter.

4. **Other Matters:**

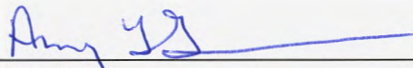
- A. Chairman Emler moved to meet in Executive Session for Attorney/Client privileged matters, pursuant to KSA 75-4319 (b)(2), for consultation with an attorney, in anticipation of litigation, to obtain legal advice for a period of 20 minutes. Deputy General Counsel, Samuel Feather, attended the Executive Session. Commissioner Albrecht seconded the motion. Motion was approved.

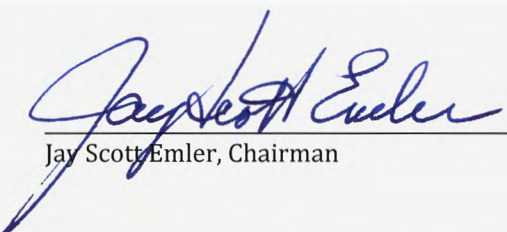
The Commission moved into Executive Session at 10:21 a.m. and reconvened in public session at 10:41 a.m.

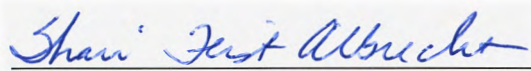
The Commission took no action following the Executive Session.

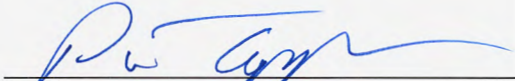
There being no further matters before the Commission, Commissioner Albrecht moved for adjournment of the Commission meeting. Commissioner Apple seconded the motion. The motion was approved. The Commission adjourned the June 21, 2016 Commission Meeting at 10:42 a.m.

Respectfully submitted,



Amy L. Green
Secretary

Jay Scott Emler, Chairman

Shari Feist Albrecht, Commissioner

Pat Apple, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, June 21, 2016

NOTICE TO THE PUBLIC: There will be no separate discussion of Consent Agenda items as they are considered to be routine by the Kansas Corporation Commission. Unless removed from the website's Consent Agenda, the orders appearing on the Consent Agenda will become the Order of the full Commission at the Commission's regularly scheduled Business Meeting. If Commission staff or a Commissioner requests an item be removed from the Consent Agenda, the affected item may be considered separately or placed on the earliest possible Business Meeting agenda for discussion.

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the Matter of the Application of Cox Communications Kansas L.L.C., Filing for Kansas Video Service Authorization. <i>Order Granting Amended Video Service Authorization</i>	07-CXKC-621-VSA	
2	In the Matter of the Application of Eagle Communications Inc. Filing for Kansas Video Service Authorization. <i>Order Granting Amended Video Service Authorization</i>	11-EAGC-154-VSA	
3	In the Matter of the Application of Wildflower Telecommunications, LLC For a Name Change on its Certificate of Convenience and Authority to Provide Local Exchange and Exchange Access Service Within the State of Kansas. <i>Order Nunc Pro Tunc</i>	14-WLDT-587-CCN	
4	In the Matter of the Audit of Nex-Tech Wireless, L.L.C. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order Accepting and Adopting GVNW Consulting, Inc.'s Audit Report and Recommendations</i>	16-NTWZ-030-KSF	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of an Investigation to Determine the Assessment Rate for the Twentieth Year of the Kansas Universal Service Fund, Effective March 1, 2016. Order Approving the Use of Traffic Study and Associated Traffic Factors for Nex-Tech Wireless LLC	16-GIMT-067-GIT	
6	In the Matter of an Investigation to Determine the Assessment Rate for the Twentieth Year of the Kansas Universal Service Fund, Effective March 1, 2016. Order Approving Traffic Factors for Matrix Telecom, Inc.	16-GIMT-067-GIT	
7	In the Matter of a General Investigation into the Adjustment of Intrastate Switched Access Charges Pursuant to the Federal Communications Commission's Reforms, Effective July 1, 2016. Order Granting Extension of Time to Answer Complaint for Filing of ICC CAF Data Collection	16-GIMT-413-GIT	
8	In the Matter of the Complaint Against AT&T Kansas Lifeline by Fannie Ssebanakitta Order Granting Enlargement of Time to Answer Complaint	16-SWBT-466-COM	
9	In the Matter of a General Investigation of Total Call International, Inc. to Show Cause Why This Commission Should Not Initiate Sanctions and Fines and Cancel, Suspend and Revoke Any Authority the Carrier Currently Holds Order to Show Cause	16-TOIC-569-SHO	
10	In the Matter of a General Investigation of NTS Communications, Inc. to Show Cause Why This Commission Should Not Initiate Sanctions and Fines and Cancel, Suspend and Revoke Any Authority the Carrier Currently Holds Order to Show Cause	16-NTSC-570-SHO	
11	In the Matter of the Application of Blue Valley Tele-Communications for Permission to Revise the Exchange Area Boundary to Transfer Territory from Diller Telephone Company's Odell Exchange to the Oketo Exchange. Certificate	16-BLVT-483-CXB	
12	In the Matter of the Application of Diller Telephone Company for Permission to Revise the Exchange Area Boundary Between Blue Valley Tele-Communication Oketo Exchange and Diller Telephone Company Odell Exchange. Order	16-DLRT-524-CXB	
13	In the Matter of the Application of Wildflower Telecommunications, LLC to Change Its Name to IdeaTek Telcom, LLC on All Certificates Previously Granted. Order Nunc Pro Tunc	16-WLDT-487-CCN	
14	In the Matter of the Application of Atmos Energy to Cease Services as a Natural Gas Public Utility in Section 6, Township 28,, Range 35, and Sections 1, 2 and 11, Township 28, Range 36, Grant County, Kansas. Order Nunc Pro Tunc	16-ATMG-473-CCS	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
15	In the Matter of the Joint Application of Southwestern Public Service Company and Xcel Energy Southwest Transmission, LLC for an Order Approving: (1) the Transfer of Transmission Lines and Appurtenances; and (2) the Issuance of Certificate of Convenience and Authority to Transact the Business of an Electric Utility in the State of Kansas in the Counties of Stevens, Grant, Finney, Kearny, and Hamilton. <i>Order Granting Motion to Withdraw Application</i>	16-SWPE-209-COC	
16	In the Matter of the Investigation of Jose Joya Siding and Roofing, LLC of Wichita, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Order Reinstating Motor Carrier Operating Authority</i>	16-TRAM-243-OOS	
17	In the Matter of the Emergency Suspension of Operating Authority of Brian Chisham of Wakarusa, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Order Reinstating Motor Carrier Operating Authority</i>	16-TRAM-478-OOS	
18	In the Matter of the Emergency Suspension of Operating Authority of FTW Construction, LLC of Rose Hill, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i>	16-TRAM-561-OOS	
19	In the Matter of the Emergency Suspension of Operating Authority of Richard Kip Walker, d/b/a Laser Trooper Mobile Laser Tag Stax of Wax Mobile Entertainment of Topeka, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i>	16-TRAM-562-OOS	
20	In the Matter of the Emergency Suspension of Operating Authority of Kevin Luetjen, d/b/a Snowhill Rock Company of Pleasanton, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i>	16-TRAM-571-OOS	
21	In the Matter of the Emergency Suspension of Operating Authority of Morgan Downey, d/b/a DC Welding of Dodge City, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i>	16-TRAM-572-OOS	
22	In the Matter of the Emergency Suspension of Operating Authority of Devin Nolde, d/b/a DNS Trucking of Deerfield, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i>	16-TRAM-578-OOS	

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ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
23	In the Matter of the Investigation of Hall Brothers, Inc. of Marysville, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Penalty Order	16-TRAM-551-PEN	
24	In the Matter of the Investigation of Joe Smith Company of Pittsburg, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Penalty Order	16-TRAM-559-PEN	
25	In the Matter of the Investigation of Custom Alloy Sales 34P, LLC of Prescott, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Penalty Order	16-TRAM-560-PEN	
26	In the matter of an Order to Show Cause issued to Kenneth C. Beard dba K.B. Oil & Gas ("Operator") regarding responsibility under K.S.A. 55-179 for plugging the Ross #3 well in Chautauqua County, Kansas. Default Order	16-CONS-3988-CSHO	
27	In the matter of an Order to Show Cause issued to Asher Associates, Inc. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells. Default Order	16-CONS-3989-CSHO	
28	In the matter of the failure of 5R, LLC ("Operator") to comply with K.A.R. 82-3-120. Order Rescinding Penalty	16-CONS-653-CPEN	
29	In the matter of the failure of Mid-Continent Energy Corp. ("Operator") to comply with K.A.R. 82-3-407 at the Rohleder #1 in Graham County, Kansas. Default Order	16-CONS-3912-CPEN	
30	In the matter of the failure of Wilton Petroleum, Inc. ("Operator") to comply with K.A.R. 82-3-608 at the Appleman Twin #SWD well in Grant County, Kansas. Order Rescinding Penalty	16-CONS-4006-CPEN	
31	In the matter of the failure of Pioneer Exploration, LLC ("Operator") to comply with K.A.R. 82-3-111 at the Martin B #5 in Harper County, Kansas. Order Designating Prehearing Officer and Setting Prehearing Conference	16-CONS-3991-CPEN	

Consent Agenda

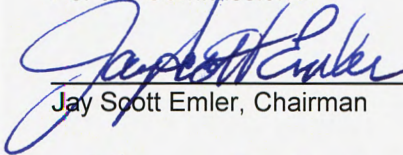
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
32	In the matter of the failure of Terry E. Morris dba G L M Company ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. <i>Order Partially Rescinding Penalty</i>	16-CONS-4080-CPEN	
33	In the matter of the failure of Great Plains Petroleum, Inc. ("Operator") to comply with K.A.R. 82-3-126 at the CJ Keller #1 Tank Battery in Comanche County, Kansas. <i>Penalty Order - Great Plains Petroleum, Inc.</i>	16-CONS-4104-CPEN	
34	In the matter of the failure of Jim Carter dba J Carter Oil ("Operator") to comply with K.A.R. 82-3-407 at the Mudd #1 in Russell County, Kansas. <i>Penalty Order - Jim Carter dba J Carter Oil</i>	16-CONS-4105-CPEN	
35	In the matter of the application of American Warrior, Inc. for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its O'Brate 2 well located in the NW/4 of Section 35, Township 21 South, Range 35 West, Kearny County, Kansas. <i>Order Granting Application</i>	16-CONS-4025-CEXC	
36	In the matter of the application of Norstar Petroleum Inc., for an exception to the 10-year time limitation of K.A.R. 82-3-111 for the Baker Trust OWWO #1 well located in the NE/4 of Section 2-T34S-R20W, Comanche County, Kansas. <i>Order Granting Applicatin</i>	16-CONS-4026-CEXC	
37	In the matter of application of Merit Energy Company, LLC, for an order granting an exception to the pit closure time limitations of K.A.R. 82-3-602(a)(2) at its Wiggains 2-13 located in the Northeast Quarter of Section 12, Township 35 South, Range 36 West, Stevens County, Kansas. <i>Order Granting Application</i>	16-CONS-4022-CEXC	
38	In the matter of the application of Agricultural Energy Services, applicant, for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Diamond Sleeper 1-25 well located in the C W NW/4 SE/4 25-33-31W, Seward County, Kansas. <i>Order Designating Prehearing Officer & Setting Prehearing Conference</i>	16-CONS-4029-CEXC	
39	In the matter of the application of Trek AEC, LLC, for an order provided for the unitization and unit operation of the Dopita South Waterflood Unit in Rooks County, Kansas. <i>Order Granting Unitization</i>	16-CONS-4045-CUNI	

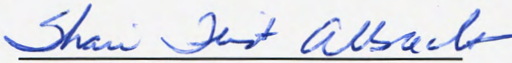
Consent Agenda

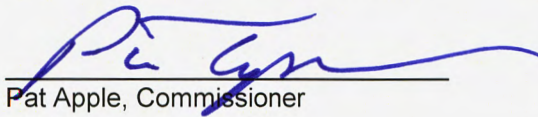
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
40	In the Matter of the Application of Daystar Petroleum, Inc., for a Basic Proration Order for the Hoss Lake Chester Oil and Gas Pool in Township 31 South, Range 30 West, Meade County, Kansas: All of Sections 16 and 21, the East Half of Section 17, 20, 29 and 32, the West Half of West Half, the Northeast of the Northwest Quarter, and the North Half of the Northeast Quarter of Section 28, the West Half of West Half of Section 33, the West Half of West Half of Section 15, the Southwest Quarter, the West Half of Northwest Quarter, the West Half of Southeast Quarter, the Southeast of the Northwest Quarter, and the Southwest of the Northeast Quarter of Section 22, the North Half of the Northwest Quarter, the Northwest of the Northeast Quarter of Section 27, the South Half of the Southeast Quarter of Section 8: the South Half of the South Half of Section 9, and the Southwest Quarter of the Southwest Quarter of Section 10, in Township 32 South, Range 30 West, Meade County, Kansas: the North Half of Northeast Quarter of Section 5, the Northwest of the Northwest Quarter of Section 4. <i>Order Recognizing Termination of Basic Proration Order</i>	08-CONS-164-CBPO	

The above-captioned matter(s) were approved by the Commission, unless noted as removed.


For the Commission :


Jay Scott Emler, Chairman


Shari Feist Albrecht, Commissioner


Pat Apple, Commissioner

Attest:


Amy L. Green
Secretary to the Commission